

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

U-HAUL CO. OF NEVADA, INC.¹

Employer

and

Case 28-RC-6159

**INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS,
LOCAL LODGE 845, AFL-CIO**

Petitioner

DECISION AND DIRECTION OF ELECTION

In its petition, the International Association of Machinists and Aerospace Workers, Local Lodge 845, AFL-CIO (the Petitioner), seeks an election within a unit comprised of approximately 74 full-time and regular part-time hourly maintenance employees, including mobile repair employees, who work at or out of two facilities of U-Haul of Nevada, Inc. (the Employer) located in Las Vegas and Henderson, Nevada. The Union seeks to include in the unit the classifications of brake tire specialist, detail specialist, engine specialist, mechanic express specialist, PM (preventive maintenance) inspection specialist, pre/post inspection specialist, transmission specialist, vanbody specialists, and mobile repair employees, who are collectively referred to as “maintenance employees.” Contrary to the Petitioner, the Employer argues that any unit found appropriate must also include clerks, parts specialists, transfer drivers, repair dispatch specialists, and the scheduler, who number a total of approximately 14 additional employees. The Petitioner opposes the addition of these additional classifications, but is agreeable to participating in an election if an alternative unit is found appropriate.

As more fully explained below, based primarily on the work of the senior clerk associated with that of an office clerical employee and the work of the parts clerk associated with those of a plant clerical employee, and the substantial integration of work functions of the parts specialists, transfer drivers, repair dispatch specialists, and scheduler into the overall repair function in concert with the specific work functions of the other employees in the petitioned-for unit, I conclude that all of the foregoing employees, except for the senior clerk, whom I deem to be an office clerical employee, should be included in the maintenance unit at the Employer’s two repair facilities.

¹ The name of the Employer appears as corrected at the hearing.

DECISION

Under Section 3(b) of the Act, I have the authority to hear and decide this matter on behalf of the National Labor Relations Board. Upon the entire record in this proceeding, I find:

1. **Hearing and Procedures:** The Hearing Officer's rulings made at the hearing are free from prejudicial error and are affirmed.

2. **Jurisdiction:** The Employer is a Nevada corporation with places of business located in Las Vegas and Henderson, Nevada, where it is engaged in the business of renting vehicles. The parties have stipulated, and I find, that during the 12-month period ending March 19, 2003, the Employer, in the course and conduct of its business operations described above, had gross revenues in excess of \$500,000. During the same period, the Employer purchased and received goods and materials valued in excess of \$50,000 directly from firms located outside the State of Nevada. The Employer is engaged in commerce within the meaning of the Act, and, therefore, the Board's asserting jurisdiction in this matter will accomplish the purposes of the Act.

3. **Claim of Representation:** The Petitioner is a labor organization within the meaning of Section 2(5) of the Act and claims to represent certain employees of the Employer.

4. **Statutory Question:** A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Sections 2(6) and (7) of the Act.

5. **Unit Finding:** The issue presented in this case is whether the unit comprised of maintenance employees, but which includes clerks, parts specialists, repair dispatchers, repair dispatch specialists, and scheduler is appropriate. To provide a context for my discussion of this issue, I will present background facts regarding the Employer's operations, followed by a description of the duties and responsibilities of the classifications and commonly shared terms and conditions of employment. I will then present the case law and the reasoning behind my conclusions on the issues presented. There is no history of collective bargaining in the unit which is the subject of these proceedings.

A. The Employer's Operations

The Employer engages in the round-trip and one-way rental of trucks, as well as certain ancillary items, such as trailers and towing equipment, from countless retail locations throughout the United States. Within the greater Las Vegas area, there are 11 Employer-owned retail "moving centers" from which trucks are rented, as well as approximately 90 non-owned franchises or dealers.

The Employer operates two facilities to repair and maintain its U-Haul trucks located in Henderson, Las Vegas, North Las Vegas, Beatty, Tonopah, and Round Mountain, Nevada,

and in portions of Utah (the coverage area). At any given time, there are approximately 650 trucks operating into and out of the 11 Employer-owned moving centers and some 90 independent rental dealers. Some of these trucks are based in the coverage area, while others are one-way rentals moving into or out of the coverage area from locations throughout the United States. The Employer averages 100 trucks per week that it services, repairs, and maintains at the Henderson and Las Vegas facilities which are the subject of these proceedings.

The main repair facility is located in Henderson. The Las Vegas facility is a smaller, satellite operation that shares its location with one of the Employer's moving centers. Each facility has a series of bays or open-ended garages and staging areas dedicated to a particular aspect of the preventive maintenance and repair process. When trucks arrive at the facilities, they undergo a pre-inspection steam cleaning of the undercarriage, motor, and transmission. They then are moved to a particular bay or area, depending on the maintenance or repair required. After repairs or maintenance, they are washed and detailed and moved to a "ready to rent" area. The Henderson facility has vanbody bays where employees perform major repair of the cargo box of the truck located behind the cab. Employees at the Las Vegas facility do minor vanbody repairs and also repair the rental trailers towed behind the customers' vehicles. Unlike the Henderson facility, the Las Vegas facility has a paint booth where employees paint or re-paint the Employer's trucks. Each facility has a parts area generally located in the middle of the bays.

Both the Henderson main facility and the Las Vegas satellite facility are managed by Shop Manager Terry Hill who has on-site responsibility for both facilities and is the top official for both locations. Under Hill are four Henderson supervisors who include John E. Georgi, Michelle Joran, Scott J. Hill, Michael D. Jordan, and one Las Vegas supervisor, Allan M. Bloomberg. Parts Foreman John E. Georgi supervises the parts specialists. Repair Dispatch Manager Michelle Joran supervises repair dispatch specialists, transfer drivers, and mobile repair specialists. Shop Foremen Scott Hill and Michael D. Jordan supervise the same employees, comprised of brake/tire specialists, engine specialists, mechanical express specialists, transmission specialists, and vanbody specialists. The record does not indicate the supervisor for the scheduler. At the Las Vegas facility, all employees report to Shop Foreman Allan Bloomberg.

It is uncontested that Terry Hill, John E. Georgi, Michelle Joran, Scott Hill, Michael Jordan, and Allan Bloomberg are salaried supervisors to whom employees report. Based on the record before me, I find Terry Hill, John E. Georgi, Michelle Joran, Scott Hill, Michael Jordan, and Allan Bloomberg are supervisors within the meaning of Section 2(11) of the Act, and I shall exclude them from the unit found appropriate herein.

The record reveals that the Employer also employs two shop supervisors, William Farran and Jimmy Pagtulingan, both of whom work at the Henderson facility. The record fails to establish their duties and responsibilities, particularly any reflecting supervisory indicia, although the title "shop supervisor" implies supervisory status. The Employer took the position on the record that the parties agreed at the hearing to leave unresolved whether these two individuals are statutory supervisors. I find that there is insufficient evidence to

determine whether shop supervisors are statutory supervisors within the meaning of the Act, and I shall, therefore, permit them to vote in the election being directed, subject to challenge.

The Employer currently employs 90 employees at its two facilities, including the 2 shop supervisors, 2 clerks, 15 brake/tire specialists, 8 detail specialists, 12 engine specialists, 11 mechanic express specialists, 6 parts specialists, 15 PM inspection specialists, 1 pre/post inspection specialist, 2 repair dispatch specialists, 1 trailer/SRI specialist, and 3 mobile repair specialists. Approximately 64 of these employees work at the Henderson facility, while 18 work at the Las Vegas facility. The six mobile repair employees spend much of their workdays on the road after reporting to the Henderson facility. One mobile repair employee does not report to a facility, but works out of his home as he covers locations in the State of Utah.

B. The Repair Process and Job Classifications Not in Dispute

The cycle of activity associated with a particular truck being worked on at the Henderson or Las Vegas facilities tends to be roughly the same, though particular problems or tasks may differ from truck to truck depending on its needs or mileage. Each of the approximately 15 classifications plays an integral role in this cycle, and each classification documents its contribution on a standardized “repair statement” from which information is ultimately entered into the Employer’s computerized database that “tracks” every truck. The cycle of repair activity for a truck and the role played by respective classifications which are not in dispute follows.

1. Pre-Inspection and Staging

After transfer drivers, whose duties are more fully described below, bring a truck to one of the two locations for repair or maintenance, and the paperwork, generally known as a “repair statement,” has been initiated by either the transfer driver, repair dispatch specialist, or senior clerk, employees in various classifications will inspect the truck to determine what it needs. They will then position it in a “staging” area in the parking lot adjacent to or behind the two facilities. A detail specialist will steam clean the underbody of the truck, using a hand-held steam cleaner. If the problem with the truck needs to be identified, a pre-inspector will examine the truck and report the results, either directly to Shop Manager Hill or to a shop foreman and then Hill.

2. Preventive Maintenance

Minor preventive maintenance occurs on each truck at 5,000-mile intervals, and a more substantial maintenance protocol is followed at 15,000-miles and 30,000-miles. These protocols are dictated by the Employer’s published guidelines and are set forth in various checklists, booklets, and technical manuals. Several of the specialist classifications in the two shop locations follow these periodic maintenance protocols. They document their work on the repair statements and for ultimate entry into the computerized database. Thus, the PM inspection specialists, who number 13 at Henderson and 2 at Las Vegas, utilize the checklist and booklet to determine what maintenance procedures are required. They then proceed to

change oil, lubricate the truck, check fluids, inspect brakes, and perform other tasks as directed or needed. The brake/tire specialists, of whom there are 14 at Henderson and 2 at Las Vegas, inspect and replace tires and brakes, with the assistance of one person in the classification who acts in a support role by preparing parts for tire and brake replacements. The mechanical express specialists, 5 at Henderson and 4 at Las Vegas, perform routine replacements of standardized parts such as starters, alternators, and injection pumps, all of which must be obtained from the parts specialists. Upon completion of the preventive maintenance work, regardless of classification, the specialist fills out documentation, which is turned in to the scheduler who checks the work. The information is ultimately entered into the Employer's computerized database. These specialists are moderately skilled, paid in the middle range compared to those in other classifications, and report to the shop foremen.

3. Engine and Transmission Repair

At the two locations, there are a total of 12 engine specialists and transmission specialists—with the bulk of these more highly skilled employees working at Henderson, inasmuch as the Las Vegas facility is geared principally for preventive maintenance. As their title suggests, these specialists perform the more intricate mechanical repair work on the trucks, which may be brought to the facility due to a breakdown that cannot be handled in the field. As with other specialists working in the shop, these specialists have frequent interaction with parts specialists who order and deliver the parts required for their repair work. They also document what they do on the repair statement and for ultimate entry into the computerized database. They are immediately supervised by the shop foreman, who in turn reports to Shop Manager Hill.

4. Vanbody Specialist and Trainer/SRI Specialist

There are five vanbody specialists at Henderson and three vanbody specialists at Las Vegas. The vanbody specialist position is minimally skilled and learned on the job. It involves simple carpentry and metalworking for repairing damage to the "box" of the truck. The trailer/SRI specialists are moderately skilled, as they perform simple body and mechanical repairs to trailers and "support rental items" such as towing equipment or dollies. In the course of their work, these specialists interact with the part specialists to obtain parts and are required to document their work on the repair statement and for ultimate entry into the computerized database.

5. Detail Specialist

There are seven detail specialists at the Henderson facility and one at the Las Vegas facility. This is essentially an unskilled labor position involving the washing of a truck, inside and out, using soap, brushes, hoses, buffers, and cleaning supplies. It also may involve waxing or touch-up painting of the exterior of the truck. As noted earlier, detail specialists also pre-clean the underbody and engines or transmissions, using a hand-held steam cleaner. The overall cleaning process, colloquially known as "detailing," is generally the last step, apart from final inspection, as a truck completes its passage through the facility and is made "ready to rent" for the next customer. Like all other classifications, detail specialists are

required to document what they do to a truck on a repair statement and for entry into the computerized database. This is the lowest paid and least skilled of the specialist classifications, and is immediately supervised by the shop foremen, who in turn reports to the shop manager.

6. Post-Inspection and Certification

Before a truck is actually released from the facility for rental to a customer, it undergoes a rigorous final inspection and certification that the work has been done in conformance with standards of the Employer and according to minimum DOT requirements. Once this has occurred and the truck has been found safe and ready to rent, the certifier who is generally pre/post-inspection specialist Don Collette, places a special sticker on the truck. If it is not found safe to rent, it will not be certified and will not be released. The pre/post inspection specialist position is one of the highest skilled and highest paid. This individual reports directly to the shop manager. Collette testified that, in the course of his daily work, he has regular contacts with parts specialists to order and pick up necessary parts and also has regular contacts with the senior clerk who prints technical manuals for him from the computer dealing with “campaigns” or bulletins that give critical instructions and procedural guidelines for shop employees regarding their work. Collette then distributes these materials throughout the shop.

7. Mobile Repair Employees

There are six mobile repair employees who work on the road, on-call 24-hours a day, to assist customers who are experiencing a difficulty or breakdown with their truck. While these employees hold three different specialist classifications - one is considered a repair specialist, two are mechanic express specialists, and the remaining three are referred to as mobile repair specialists - they all have general mechanical skills which enable them to diagnose and repair certain recurring problems on the road. Each of them has 24-hour use of an Employer truck, containing tools and equipment, which they take home in anticipation of a call at any time of the day or night. These calls out could come from a repair dispatch specialist during the day or from the Employer’s “hotline” at other times. One of the mobile repair employees works out of his home at some distance from Las Vegas; the others generally report to the Henderson facility at the beginning of the workday. The immediate supervisor for all of them is Repair Dispatch Manager Joran, who is based out of Henderson and also supervises the repair dispatch specialists and transfer drivers.

C. Disputed Classifications

1. Senior and Parts Clerks

The Henderson facility employs two clerks, a senior clerk and a parts clerk. The senior clerk, Vicar Ozaki, works in the office across from the parts area under the supervision of Shop Manager Hill. She handles the payroll issues and talks to employees about benefits and payroll questions. For example, the senior clerk talks to employees if they have any questions about type of benefits or information concerning their pay. She helps them get their

paycheck stub which comes out of the Employer's computer system. She also performs data entry of information from repair statements submitted by the repair specialists. If there is a question on the repair statements, she will consult with the repair specialist about their notations on repair statements. She accesses the computer to obtain printed rules on repairs that are then distributed to employees in the shop.

The parts clerk works out of the parts room and delivers parts to repair specialists. She assigns parts to trucks through the computer system. Typically, a specialist doing repairs will come to the parts counter and request a part. The parts clerk delivers the requested part and notes the assignment in the computer. She also takes parts out to the specialist in the shop to save time. This direct delivery of parts occurs on a daily basis.

2. Parts Specialists

As a truck comes into the facility, and paperwork is generated for its repair or maintenance, principally the "repair statement," the parts specialists, of whom there are four at Henderson and two at Las Vegas, become involved in the process. They identify, set aside, and, if necessary, order the required parts for each truck. In this connection, they work with the documentation and data already generated by others, including transfer driver, repair dispatch specialists, parts clerks, inspection specialists, and the scheduler. However, they must themselves have skills and mechanical knowledge regarding the truck, as well as maintenance and repair processes, to anticipate and understand the parts required. Although there is a designated parts area at each location, which has an open counter and parts stored on shelving behind the counter, the parts specialists regularly move throughout the shops to deliver parts and to address parts issues with the employees in the other specialists classifications who are performing the manual work on the trucks. Parts specialists also have routine and almost constant contact with the specialist classifications who come to the counter to order or pick up parts. Like the other employees who contribute to the repair and maintenance processes, the parts specialists record information on the repair statement and the computerized database relating to parts installed on a particular truck, whether it be for routine preventive maintenance or for a repair. The parts specialists do not service the Employer's trucks and trailers. They have unique computer access codes. The parts specialists are immediately supervised by Parts Foreman John Georgi, who in turn reports to Shop Manager Hill. Parts specialists work from 7:00 a.m. to 5:00 p.m., a slightly longer work shift than other employees.

3. Transfer Drivers

There are three transfer drivers, two at Henderson and one at Las Vegas. Their principal task is to move trucks in and out of the rental fleet from the various moving centers and other locations in the coverage area to enable them to undergo repairs or preventive maintenance as scheduled or necessitated by breakdowns. The general technique is for a transfer driver to "swap out" a freshly repaired or maintained truck, which has been certified as "ready to rent," for a truck that needs to come into the shop. The record establishes that, while this position may involve the lowest pay and least skills, the transfer drivers nonetheless must evaluate the way a truck handles as they are bringing it into the shop, and upon arrival

they complete a form identifying problems or characteristics that require mechanical attention. That information then becomes an early, but critical, part of the “package” of documentation created for the repair and maintenance process. Transfer drivers must have an understanding of truck mechanics and repair and maintenance issues. When transfer drivers are not occupied “swapping out” trucks between various locations, they are, at times, assigned to help in other areas, such as assisting detail specialists with washing trucks or delivering parts within the shop or on the road to mobile repair employees. As noted above, the three transfer drivers are immediately supervised by repair Dispatch Manager Joran, who also supervises the repair dispatch specialists and mobile repair employees.

4. Repair Dispatch Specialists

The initial impetus for a truck coming into the Henderson or Las Vegas facilities is through one of the three repair dispatch specialists, two at Henderson and one at Las Vegas. They receive specific information regarding broken down trucks via the Employer’s Phoenix-based “hotline” or by telephone. They also receive computerized information from the Employer’s “tracking” database regarding trucks in the fleet needing preventive maintenance at specified mileage levels. As noted above, trucks undergo routine maintenance every 5,000 miles and more rigorous maintenance at 15,000 and 30,000 miles. While the scheduling of trucks for preventive maintenance is relatively routine, repair dispatch specialists must have an understanding of truck mechanics and repair procedures in order to address and schedule broken down trucks, to coordinate instructions for the six mobile repair employees, and to ascertain whether a particular problem can be handled on the road or must be brought into the shop. The repair dispatch specialists at times consult with others in the shop, including various specialists, to assist in making a diagnosis and judgment about how to handle a particular breakdown or repair. In terms of skill and pay level, the repair dispatch specialist position is equivalent to a mid-level mechanical position in the shop. The three repair dispatch specialists are immediately supervised by Repair Dispatch Manager Joran, who in turn reports to Shop Manager Hill.

5. Scheduler

The scheduling of the priority and sequencing of trucks through the various specialized bays of the two shops was previously done by the shop foremen. At the Henderson facility the Employer recently created a special position known as scheduler filled by Bill Lloyd who transferred from his previous brake/tire specialist position. The scheduler has a workstation in the hallway, just outside the parts area, which connects the maintenance and repair sides of the Henderson shop. The task of the scheduler is to efficiently sequence trucks from the staging areas through the various dedicated bays of the shop so as to best utilize available space, personnel, and resources. To do his job, the scheduler must have a full appreciation for the mechanical tasks and processes involved in the repair and maintenance of the trucks.²

² The Employer views Lloyd’s scheduler position as similar to various specialist positions the Petitioner seeks to include, and also as similar to the repair dispatch specialist position the Petitioner seeks to exclude. The Employer believes the scheduler should be included in any unit found appropriate, and assumes the Petitioner concurs. While the Petitioner opposes inclusion of the scheduler, it did not address the point in its brief.

D. Commonly Shared Terms and Conditions of Employment

The record evidence establishes that all employees in all classifications at the two locations make an integral contribution to the Employer's truck repair and maintenance operation. All employees must have an understanding of the mechanical aspects of truck repair and maintenance, as well as the procedures performed in the shop. All must be able to describe and document problems with trucks and the steps they have taken to repair or maintain trucks. All employees contribute information to the repair statement and to the computerized database. All employees use the same forms and data. Significantly, none of the classifications is required to be licensed or certified, and virtually all training for all classifications is on the job.

It is uncontested that all employees enjoy the same compensation and fringe benefit programs, are covered by the same corporate policies, and receive the same orientation packet without any differentiation based on classification. While the starting pay ranges vary depending on the skill level of the classification, all employees are subject to the same performance review procedures and merit-based pay system, which rewards employees for acquired skill and tenure with the Employer.

Although the hours differ in minor respects for some classifications, they tend to fall within the span of 7:00 a.m. – 5:00 p.m., with only the mobile repair employees working on-call 24-hours a day. Employer-supplied uniforms are worn by all employees regardless of classification, and there are no distinctions between classifications for parking, clocking-in at the central hallway computer, restrooms, locker rooms, lunch rooms/break rooms, or general access to facilities. Indeed, if there were one group of employees whose general terms and conditions stood out as different from other groups, it would not be the classifications the Petitioner seeks to exclude, but rather would be the mobile repair employees who work on the road in remote areas on a 24-hour on-call basis, with an Employer truck of their own.

While some employees may choose to use it less than others, all employees have access to the computer located in the hallway near the parts counter. The computer contains pay and benefits information, the Employer's internal databases, technical bulletins, and many other resources. In addition, many employees in various classifications utilize computerized diagnostic equipment or other computer programs in the performance of their jobs. The Employer provides all specialized tools required for employees in all classifications, with only a few of the more skilled groups supplying some basic hand tools of their own.

Finally, it is undisputed in the record that there is very little movement between classifications, i.e., employees tend to stay in the classification in which they are hired. Shop Manager Hill testified that, during the years he held that position overseeing the Las Vegas facility and the Henderson facility, which opened approximately six months before the hearing, there have been four transfers across classification lines. These included Bill Lloyd's transfer from brake/tire specialist to scheduler; Chris Wilcox's transfer from PM inspection specialist to parts specialist; (3) Alonzo Romero's transfer from parts specialist to detail specialist; and (4) Carl Wells' transfer from PM inspection specialist to vanbody specialist,

and then to parts specialist. Thus, transfers to or from the parts specialists position have been the most experienced among the classifications in the petitioned-for group.

E. Legal Analysis and Determination

The parties are in agreement on all classifications except the senior clerk, parts clerk, parts specialists, transfer drivers, repair dispatch specialists, and scheduler. Based upon the case law and reasoning set forth below, I find that a unit inclusive of all maintenance classifications at the two facilities, including the parts clerk, parts specialists, transfer drivers, repair dispatch specialists, and scheduler, but excluding the senior clerk, is an appropriate unit. I shall first discuss case law associated with appropriate unit determination and then address each of the disputed classifications.

Section 9(b) of the Act provides that “the Board shall decide in each case whether, to assure to employees fullest freedom in exercising the rights guaranteed by this Act, the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, or subdivision thereof.” It is well established under Board law that the Act does not require the unit for bargaining be the optimum, or most appropriate unit, but only an appropriate unit. *Home Depot USA*, 331 NLRB 1289, 1290 (2000); *Overnight Transportation Co.*, 322 NLRB 723 (1996). An appropriate unit insures to employees “the fullest freedom in exercising the rights guaranteed by the Act.” *Morand Brothers Beverage Co.*, 91 NLRB 409 (1950), enfd. 190 F. 2d 576 (7th Cir. 1951); *Dinah’s Hotel and Apartments*, 295 NLRB 1100 (1989). A union is not required to seek representation in the most comprehensive grouping of employees unless “an appropriate unit compatible with that requested does not exist.” *P. Ballantine & Sons*, 141 NLRB 1103 (1962). Furthermore, in *Pacemaker Mobile Homes*, 194 NLRB 742, 743 (1971), the Board explained that when no other labor organization is seeking a unit larger or smaller than the unit requested by the petitioner, the sole issue to be determined is whether the unit requested by the petitioner is an appropriate unit.

In determining whether a petitioned-for-unit is an appropriate unit, the Board addresses whether the employees share a community of interest. *Home Depot USA, Inc.*, 331 NLRB at 1290; *The Boeing Company*, 337 NLRB No. 24 (2001). In *Home Depot USA*, supra, at 1291, the Board stated that factors it considers in determining community of interest among different groups of employees include:

[A] difference in method of wages or compensation; different hours of work; different employment benefits; differences in job functions and amount of working time spent away from the employment or plant sites...the infrequency or lack of contact with other employees; lack of integration with the work functions of other employees or interchange with them; and history of bargaining [*Kalamazoo Paper Box Corp.*, 136 NLRB 134, 137 (1962)]

1. Senior and parts clerks

Under the community of interest rule, the Board excludes office clericals from a maintenance unit. *Hygeia Coca-Cola Bottling Co.*, 192 NLRB 1127, 1129 (1971); *Westinghouse Electric Corp.*, 118 NLRB 1043 (1957). Plant clerical employees are included in maintenance units, because they generally share a community of interest with the employees in the unit. *Raytee Co.*, 228 NLRB 646 (1977); *Armour and Co.*, 119 NLRB 623 (1957). The duties of office clerical employees include billing, payroll, phone, and mail. *Dunham's Athleisure Corp.*, 311 NLRB 175 (1993). *Hamilton Halter Co.*, supra. Typical plant clerical duties include "timecard collection, transcription of sales orders to forms to facilitate production, maintenance of inventories, and ordering supplies." *Hamilton Halter Co.*, 270 NLRB 331 (1984). The distinction drawn between office clericals and plant clericals is not always clear.

I consider the data entry work of the senior clerk ancillary to the managerial functions of maintaining records of the Employer's fleet of vehicles. Her duties include responsibility for payroll and benefit issues. For example, she would assist an employee who needs a payroll stub. She acts as a general resource person on the compensation side of the business with respect to payroll and benefits. As such, her duties of answering employee questions about payroll and benefits are more akin to that of an office clerical employee as compared to a plant clerical employee. In sum, I find that the senior clerk is essentially an office clerical employee whom the Board customarily excludes from maintenance units. I shall, therefore, exclude the senior clerk from the unit found appropriate herein.

I reach the opposite conclusion as to the parts clerk. The parts clerk's duties appear to be directly related to the service process maintenance employees and not to general office operations. *Syracuse University* 325 NLRB 162, 168 (1997). The parts clerk is involved in the service process by collecting information and processing repair statements on which employees in all other classifications record their work. These duties include tracking and paperwork for parts and taking out parts to the repair specialist in the shop.

The Petitioner opposes the inclusion of the senior and parts clerk into an appropriate unit. As to both clerks, the Petitioner argues that Shop Manager Hill covers for them while they are off site or not working; the clerks have computer access codes that are not provided to the unit employees petitioned for by the Petitioner; and their work hours are different from those in the petitioned-for unit. Although I need not address Petitioner's specific arguments applicable to the senior clerk for I have determined to exclude her, I will address each of them as they pertain to both clerks. The record shows that Hill covers for the repair dispatch specialists, not the clerks. Moreover, the record establishes that other employees, aside from the clerks, have computer access codes for entering data into the computer. Repair dispatch specialists can enter data into the computer, as well as parts people, parts foremen, parts repair, and parts specialists. Finally, the clerks work 7:00 a.m. to 3:30 p.m., a shift shared by preventive maintenance, detail, support, and pre-inspection employees.

In sum, based on this record before me, I find that the functions and duties performed by the senior clerk are more akin to office clerical employees and that the functions and duties

of the parts clerk are more akin to plant clericals. Therefore, I shall exclude the senior clerk from and include the parts clerk in the unit found appropriate herein.

2. Parts Specialists.

The Board considers employees in parts and service departments to constitute an appropriate bargaining unit unless there is an affirmative showing that there is no substantial community of interest between the two groups of employees. *Harry Brown Motor Company*, 86 NLRB 652 (1949). Based upon the record before me, I find that the parts specialists are an integral part of the repair function and should be included in the unit. In reaching this conclusion, I rely on the integrated nature of the parts specialists' work function with the other maintenance employees, who are heavily dependent upon the parts specialists. As a truck comes into the facility, paperwork is generated for its repair or maintenance. The parts specialists identify, set aside, and if necessary, order required parts for each truck. I also rely on the significant amount of daily contact and permanent interchange between parts specialists and employees in the other classifications.

The Petitioner argues that the parts personnel do not handle repair and maintenance, have unique access to computer access codes, report to a different supervisor, and work different hours from other classifications in the proposed unit. While parts specialists do not directly maintain the Employer's trucks and trailers, they do play a role in delivering parts which involve the maintenance process. Moreover, other classifications the Petitioner is seeking to represent in the unit also have little, if any role, in the direct maintenance of trucks. By way of example, detail specialists only paint, wash, wax, and steam clean trucks, and perform no hands on repair or maintenance of rental vehicles and trailers. Thus, "hands on" repair and maintenance work does not clearly define the relevant community of interest. Moreover, as to the unique computer access codes, a separate supervisor, who ultimately reports to Shop Manager Hill, and slightly different work hours, I find these factors are outweighed by other community of interest factors such as the significant functional integration, daily contacts, and permanent interchange parts specialists share with others in the classifications in the unit. In all of these circumstances, I shall include the parts specialists in the unit found appropriate herein.

3. Transfer Drivers

In *C.M. Carpenter d/b/a/ Carpenter Trucking*, 266 NLRB 907 (1983), the Board held that eight tank truck drivers, one bulldozer driver, and four mechanics should be included in the appropriate unit because of the integrated character of the employer's operations, similarity in skills, and shared management for all of the drivers, and the functional inter-connection of the mechanics' maintenance of the trucks operated by the drivers.

I find that these same factors support the conclusion that transfer drivers share a significant community of interest with others in the maintenance operation to be included in the unit. Transfer drivers work as part of an interlocking whole, moving trucks in and out of the rental fleet according to needed repairs or preventive maintenance as scheduled or breakdowns. Absent transfer drivers, the other pieces of the whole system would grind to a

halt. Trucks would be stranded in the field and “ready to rent” trucks would remain idle at the repair facilities. In carrying out their duties they perform some evaluation, similar to others in the petitioned-for unit, relating to the trucks’ maintenance or service needs and report these matters upon arrival to one of the facilities.

The Petitioner argues that the transfer drivers report to a “different supervisor,” Shop Foreman Joran. However, I note that mobile repair specialists, whom the Petition would include in the unit, also report to Joran. The Petitioner contends that transfer drivers have such low skills as to warrant their exclusion; but the Petitioner seeks to include detail specialists, who also possess minimum skill levels among the Employer’s employees. I am of the view that the skill differences between transfer drivers and detail specialists are not substantial enough to warrant the exclusion of one and the inclusion of the other. The Petitioner also argues that transfer drivers should be excluded based on their work location and their susceptibility to being sent home if no work is available. I find these contentions unpersuasive where mobile repair specialists, like the transfer drivers, also essentially work on the road covering the same areas outside the facilities.

In sum, I find that transfer drivers share a sufficient community of interest with others in the unit found appropriate, including a high degree of functional integration, common supervision, and geographic work area as certain others in the unit so as to warrant their inclusion in the unit found appropriate herein.

4. Repair Dispatch Specialists

In determining whether repair dispatch specialists share a community of interest with other employees in the petitioned-for unit, I have given consideration to several factors, including similarities in job functions, hours of work, benefits, and the overall functional integration among employees. The repair dispatch specialists are well integrated into the work functions of other employees. Their duties facilitate and make possible the work functions of the other classifications in the unit. They have the same general hours, wages, and benefits as other classifications.

The Petitioner argues that the repair dispatch specialists should be excluded from the unit on several grounds which I do not believe are well-founded. First, it claims they have different hours and report to a different supervisor. While it is true that their hours do not comport with the hours of other employees with one repair dispatcher working from 7:00 a.m. to 5:00 p.m. and the other working from noon to 7:00 p.m., this arrangement is in place because of the need to cover expanded hours of the Employer’s operations. Second, the Petitioner claims that the repair dispatch classification performs data entry. However, many of the other classifications who are in the unit also perform data entry. Third, the Petitioner urges that repair dispatch specialists lack a community of interest because they are privileged with computer access codes to confidential documents and records. As noted above in more detail, the record demonstrates that the parts clerk, parts specialists and others have the same access. Next, the Petitioner contends that repair dispatcher specialists are supervisors because they make judgments about work assignments. This argument would have force if the record showed unique skill and sole-decision making on the behalf of repair dispatchers. But it is

clear that repair dispatchers make low-level, routine decisions based upon information that is provided to them. They consult with a technician, repair specialist, shop foreman, or even the shop manager before making any decision. Absent more probative evidence of supervisory indicia, I do not find that repair dispatcher specialists are Section 2(11) supervisors within the Act. Finally, the Petitioner argues that Shop Manager Hill will fill in for absences of the repair dispatcher. Having the shop manager cover for an absent repair dispatcher does not take away from the functional integration of the classification among employees. Without repair dispatchers, the whole repair and preventive maintenance process would come to a halt. Whether or not the shop manager covers for the repair dispatcher on occasion is of little consequence to the interlocking nature of the job.

On the basis of the foregoing, I find that repair dispatch specialists should be included in the unit found appropriate herein.

5. Scheduler

Functional integration among employees is a hallmark of community of interest. *C.M. Carpenter*, supra. When an integrated function is coupled with shared terms and conditions of employment, the Board does not hesitate to find a community of interest. *J.C. Penney Company, Inc.*, 328 NLRB No. 105 (1999). I rely predominantly on the scheduler's functional integration with the maintenance process to include him in the unit. He shepherds the repair and preventive maintenance process by coordinating the movement of trucks from the staging areas to various bays. In addition, the scheduler formerly held the position of brake/tire specialist demonstrating interchange with a classification in the petitioned-for unit. Finally, he shared many of the same common benefits, work location and other conditions with other classifications in the unit found appropriate herein so that I shall include him in the unit.

Based upon the above facts and analysis, I find the following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

INCLUDED: All full-time and regular part-time brake/tire specialists, detail specialists, engine specialists, mechanic express specialists, PM inspection specialists, pre/post inspection specialists, transmission specialists, vanbody specialists, mobile repair specialists, parts clerks, parts specialists, transfer drivers, repair dispatch specialists, and schedulers employed by the Employer at and out of its 1900 South Decatur Boulevard, Las Vegas, Nevada, and 989 South Boulder Highway, Henderson, Nevada repair facilities.

EXCLUDED: All other employees, office clerical employees, including the senior clerk, professional employees, guards and supervisors as defined in the Act.

There are approximately 90 employees in the unit found appropriate.

The unit found appropriate is different than that sought by the Petitioner, although the record is clear that Petitioner is willing to proceed to an election with an alternative unit.

Inasmuch as I am directing an election in a unit broader than the unit sought by the Petitioner, if it so desires, the Petitioner may withdraw its petition, without prejudice, upon written notice to the undersigned within ten (10) days from the date of this Decision and Direction of Election. If, however, the Petitioner chooses to proceed to an election on the basis of the broader unit found appropriate herein, it must, to the extent it has not already done so, submit to me within 14 days from the date of this Decision and Direction of Election evidence of an adequate showing of interest in the broader unit, or the petition will be dismissed.

DIRECTION OF ELECTION

I direct that an election by secret ballot be conducted in the above unit at a time and place that will be set forth in the notice of election, that will issue soon, subject to the Board's Rules and Regulations. The employees who are eligible to vote are those in the unit who are employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off; employees who have been, and continue to be, engaged in an economic strike for less than 12 months before the election date and who retained the status as such during the eligibility period, and their replacements; and those in military services of the United States Government, but only if they appear in person at the polls. Employees in the unit are ineligible to vote if they have quit or been discharged for cause since the designated payroll period; if they engaged in a strike and have been discharged for cause since the strike began and have not been rehired or reinstated before the election date; or if they have engaged in an economic strike for more than 12 months before the election date and have been permanently replaced. All eligible employees shall vote whether or not they desire to be represented for collective-bargaining purposes by:

INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, LOCAL LODGE 845, AFL-CIO

LIST OF VOTERS

In order to ensure that all eligible voters have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties in the election should have access to a list of voters and their addresses which may be used to communicate with them. *Excelsior Underwear, Inc.* 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969). Accordingly, it is hereby directed that within seven (7) days of the date of this Decision, two (2) copies of an election eligibility list containing the full names and addresses of all the eligible voters shall be filed by the Employer with the undersigned, who shall make the list available to all parties to the election. *North Macon Health Care Facility*, 315 NLRB 359 (1994). This list may initially be used by the undersigned in determining an adequate showing of interest. The undersigned shall make the list available to all parties to the election when the undersigned shall have determined that an adequate showing of interest among the employees in the unit found appropriate has been established. In order to be timely filed, such list must be received in the NLRB Region 28 Resident Office, 600 Las Vegas Boulevard South, Suite 400, Las Vegas, Nevada 89101, on or before April 18, 2003. No

extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, D.C. 20570. The Board in Washington must receive this request by April 25, 2003. A copy of the request for review should also be served on me.

DATED at Phoenix, Arizona, this 11th day of April, 2003.

/s/ Cornele A. Overstreet
Cornele A. Overstreet, Regional Director
National Labor Relations Board-Region 28

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